

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CAUSE NO.: 3:07-CR-13-PPS
)	
OMAR LOZA,)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT OMAR LOZA**

TO: THE HONORABLE PHILIP S. SIMON, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant Omar Loza's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before the undersigned Magistrate Judge Paul R. Cherry, on February 20, 2008, with the consent of Defendant Omar Loza, counsel for Defendant Omar Loza, and counsel for the United States of America.

The hearing on Defendant Omar Loza's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the undersigned Magistrate Judge in open court and on the record.

In consideration of that hearing, the statements made by Defendant Omar Loza under oath on the record and in the presence of counsel, and the remarks of the Assistant United States Attorney and of counsel for Defendant Omar Loza,

I FIND as follows:

(1) that Defendant Omar Loza understands the nature of the charge against him to which the plea is offered;

(2) that Defendant Omar Loza understands his right to trial by jury, to persist in his plea of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and

his right against compelled self-incrimination;

(3) that Defendant Omar Loza understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant Omar Loza understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(4) that the plea of guilty by Defendant Omar Loza has been knowingly and voluntarily made and is not the result of force or threats or of promises;

(5) that Defendant Omar Loza is competent to plead guilty;

(6) that Defendant Omar Loza understands that his answers may later be used against him in a prosecution for perjury or false statement;

(7) that there is a factual basis for Defendant Omar Loza's plea; and further,

I **RECOMMEND** that the Court accept Omar Loza's plea of guilty to the offense charged in Count I of the Superseding Indictment and that Defendant Omar Loza be adjudged guilty of the offense charged in Count I of the Superseding Indictment and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Omar Loza be adjudged guilty, sentencing has been scheduled for **June 13, 2008, at 9:30 a.m.** in the Hammond Division, before Judge Philip Simon. The Court **ORDERS** the United States Marshal to **PRODUCE** Defendant Omar Loza for sentencing. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B).

So ORDERED this 21st day of February, 2008.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable Philip Simon